

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 121.

Subsection (b) of this section is revised as a construction provision for clarity.

In subsection (a)(2)(i) and (3)(i) of this section, the former references to the "general" public are deleted as unnecessary.

In subsection (a)(2)(ii) of this section, the former reference to a "boat" is deleted as included in the comprehensive reference to a "vessel".

Also in subsection (a)(2)(ii) of this section, the former reference to a "school bus" is deleted in light of the comprehensive reference to a "school vehicle".

In subsection (a)(3)(ii)12 of this section, the former reference to parking "lots" is deleted as included in the reference to "parking areas".

In subsection (c)(5) of this section, the former phrase "in a place of business" is deleted as included in the definition of "public place".

Defined term: "Person" § 1-101

#### 10-202. KEEPING DISORDERLY HOUSE — PENALTY.

A PERSON WHO KEEPS A DISORDERLY HOUSE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT LESS THAN 10 DAYS AND NOT EXCEEDING 6 MONTHS OR A FINE NOT LESS THAN \$50 AND NOT EXCEEDING \$300 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 122.

The reference to a person who keeps a disorderly house being "guilty of a misdemeanor" is added to state expressly that which was only implied in the former law. At common law, keeping a disorderly house was a misdemeanor, and former Art. 27, § 122 merely established the penalty for it. *Ward v. State*, 9 Md. App. 583 (1970); *Beard v. State*, 71 Md. 275 (1889). In this State, any crime that was not considered a felony at common law and has not been declared a felony by statute is considered a misdemeanor. See *State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 354 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v. State*, 4 Md. App. 342, 347 (1968).

The former reference to imprisonment "in jail" is deleted for consistency within this article. Currently inmates are sentenced to the custody of the Division of Correction and then are placed in a particular facility. See CS § 9-103.